

**REGULAR MONTHLY MEETING OF THE STEPHENS CITY TOWN COUNCIL**  
**Wednesday, July 7, 2010**  
**7:30 p.m.**

Mayor Joy Shull called the meeting to order at 7:30 p.m. and led the Pledge of Allegiance.

Council member Bowers gave the invocation.

Roll call showed the following present:

Council member Ronald Bowers, Council member Martha Dilg, Council member Joseph Grayson, Council member James Harter.

Absent – Council members Fravel and Hollis

Staff present: Mike Kehoe, Town Manager; Brian Henshaw, Town Planner; David Griffin, Town Attorney; Tim Stowe, Town Engineer, Charles Bockey, Chief of Police; Kim Uttenweiler, Town Treasurer; Dianne MacMillan, Town Clerk

Press: Stephanie Mangino, Winchester Star

Guests: Marilyn Wilkins President, and Joe Hickman -Sherando High School Warrior Club

**AGENDA**

Council member Harter moved that the Agenda for July 7, 2010 be adopted and the motion passed.

**PUBLIC COMMENTS**

Mayor Shull opened the floor for public comment on any items not included in the Agenda or under Public Hearings.

Mr. Joe Hickman, Sherando High School Warrior Club addressed Council regarding the Sherando High School homecoming parade. He said they proposed some changes to this year's celebration by moving the parade to Thursday and to an earlier date, September 23. He said that the carnival would consist only of inflatables like last year and would be held on the night of the parade along with the bonfire. The homecoming game would be on Friday with the dance on Saturday. He said the parade would start around 6:00 depending on VDOT's approval and anything the Club could do to help they would do and would continue to work with Mr. Kehoe and the town. Mr. Hickman said he had heard nothing but positive feedback from town residents, faculty and students about last year's parade. Marilyn Wilkins, President of Warrior Club reported that the parade would begin at 6:30 pm on Thursday and the parade would go more smoothly on Thursday without Friday traffic problems. She requested that the Town declare that week as Sherando Week and invited Mayor Shull to attend the game on September 10 to present the declaration. Ms. Wilkins extended an invitation for everyone to come out and participate in all the events. She said Sherando was the only school that was able to have a

community based parade as well as a connection with the community and it was the event the students like best all year. She stated they appreciated the support of the Town Council.

Mayor Shull thanked them and said the citizens looked forward to the parade every year as well. The Mayor asked the Chief if he saw any problems with the parade date. Chief Bockey said moving the parade to Thursday would help with traffic problems and the manpower provided at cross streets last year was very helpful.

Council member Bowers said he did work with the state police and they were pleased with last year's parade. He moved that the Town Council approved the parade on September 23 Thursday to be followed by a bonfire at the Newtown Commons. The motion passed with the following recorded vote:

Recorded Vote:

Council member Bowers	-	Aye	Nays - None
Council member Dilg	-	Aye	Abstain - None
Council member Grayson	-	Aye	
Council member Harter	-	Aye	
Absent – Council member Fravel			
Council member Hollis			

Mayor Shull said she would be attending the football game on September 10<sup>th</sup>.

## **PUBLIC HEARING**

### **Mulberry Street Sewer Main Replacement Project**

Mayor Shull introduced the Public Hearing and asked Tim Stowe, Town Engineer to give a brief presentation explaining the reasons for the Public Hearing. Mr. Stowe showed the sewer line to be replaced which was approximately 6000 feet long. He noted that the actions taken by Council to date were: Adoption of the Waste Water Master Plan addressing I&I issues; smoke testing to identify I&I locations; Preliminary Engineering Report adopted. Mr. Stowe reported that the Town was now working through environmental clearance processes as prescribed by DEQ. He said this process was necessary prior to becoming eligible to receive funding for the project. He explained that the areas to be impacted were identified as the Flood Plain (through one small fringe of the floodplain), Wetlands (area below the old school); and Waters of the U.S. (Stephens Run that eventually reaches the Chesapeake Bay). Mr. Stowe advised that all the construction related impact would be temporary and the ground would be returned to its preconstruction condition after completion of the project. He reported that six letters had been sent to environmental agencies for review and he had received responses to two. He added that there would be an additional permit process after approvals are received and additional public hearings as the project progressed.

Mr. Kehoe asked where the deviations from the existing sewer line were located. Mr. Stowe said that it was at the end of Greene Street where it went close to the Interstate. He said there was a garage built on top of the Town's sewer line and a portion of the line was now under

the parking lot of Sheetz. He said the goal was to avoid negative impact on businesses, so the line was shifted closer to the Interstate. He said this put the construction into the detention pond area of Sheetz and close to their sign but avoided blocking the entrances. Mr. Stowe added that the rest of the sewer line would be staying pretty close to the existing line.

Mayor Shull called for comments or questions from council and the public. There being none the public hearing was closed.

**MINUTES – June 1, 2010 Regular Meeting**

Council member Harter moved for approval of the minutes of June 1, 2010 and the motion carried with the following vote:

Recorded Vote:

Council member Bowers	-	Aye	Nays - None
Council member Dilg	-	Aye	Abstain - None
Council member Grayson	-	Aye	
Council member Harter	-	Aye	
Absent – Council member Fravel			
Council member Hollis			

**MINUTES – June 29, 2010 Special Meeting**

Council member Harter moved for approval of the minutes of the Special Meeting of June 29, 2010 and the motion carried with the following recorded vote:

Recorded Vote:

Council member Bowers	-	Aye	Nays - None
Council member Dilg	-	Aye	
Council member Grayson	-	Aye	
Council member Harter	-	Aye	
Absent – Council member Fravel			
Council member Hollis			
Abstain – None			

**TREASURERS REPORT – Kim Uttenweiler**

Mayor Shull announced that the members had the treasurer's report for information and asked if there were any questions. There being none, the treasurers report was accepted as presented.

**POLICE REPORT – Charles Bockey, Chief**

There were no questions regarding the police report and it was accepted as presented. Chief Bockey added that there was an increase of calls reorted because the Town now had four officers and they were picking up more calls that the County had covered when the town was

short-handed. Chief Bockey also reported that Officer Ron Fox had become the senior officer, had begun working in the administrative end and was doing a good job. He further added that Officer Smedley just qualified as a radar instructor and Officer Baber qualified as defensive tactics instructor and once they were through with their apprenticeship could in-house instruct. Mayor Shull sent congratulations to the officers on completing their training.

## **ACTION AGENDA**

### **A. Election of Vice Mayor**

Mayor Shull recommended Council member Fravel as Vice Mayor. She added that he has seniority and would be able to take over the position if necessary. Council member Dilg moved that Linden A Fravel, Jr. be appointed Vice Mayor for a two year term. The motion passed with the following recorded vote:

#### **Recorded Vote:**

Council member Bowers	-	Aye	Nays - None
Council member Dilg	-	Aye	
Council member Grayson	-	Aye	
Council member Harter	-	Aye	
Abstain - None			
Absent – Council member Fravel			
Council member Hollis			

### **B. Appointment of Town Council Standing Committees**

The Mayor said that the Council had before them suggested appointments to standing committees of Council. Council member Grayson asked if the meeting times could be changed and the Mayor said they could be set to the time most convenient to the members of the committees. Council member Harter moved to appoint the following Standing Committees:

Finance Committee: Joseph Hollis, James Harter, Linden A. Fravel, Jr.

Personnel Committee: Martha Dilg, Joseph Hollis, Ronald Bowers

Water & Sewer Committee: James Harter, Linden A. Fravel, Jr., Joseph Grayson

Public Works Committee: Joseph Grayson, Martha Dilg, Linden A. Fravel, Jr.

Public Safety Committee: Ronald Bowers, Charles Bockey, Thomas Merritt, Greg Locke and George Vaught

The motion passed with the following recorded vote;

#### **Recorded Vote:**

Council member Bowers	-	Aye	Nays - None
Council member Dilg	-	Aye	Abstain - None
Council member Grayson	-	Aye	
Council member Harter	-	Aye	
Absent – Council member Fravel			
Council member Hollis			

The Mayor advised that the Administrative Committee would add another member at a later date when the Vice Mayor was in attendance. His election left one vacancy on the Committee.

**C. Appointments to Planning Commission, Historic Preservation Commission; Board of Zoning Appeals, Parks and Recreation and Trees Commission**

Mayor Shull advised that Town Council needed to make some appointments to Boards and Commissions. She asked for motions for appointment or reappointment for these positions. She said two vacancies would remain on the Planning Commission which would be addressed at the August meeting. She said that Aaron Whitacre had agreed to serve on the Planning Commission.

Council member Dilg moved to reappoint Sue Boyd and appoint Aaron Whitacre to the Planning Commission for four-year terms both to expire 6/30/2014. The motion passed with the following recorded vote:

Recorded Vote:

Council member Bowers	-	Aye	Nays - None
Council member Dilg	-	Aye	Abstain - None
Council member Grayson	-	Aye	
Council member Harter	-	Aye	
Absent – Council member Fravel			
Council member Hollis			

Council member Harter moved to reappoint Ann Grim to the Historic Preservation Commission for a four-year term to expire 6/30/2014. The motion passed with the following recorded vote:

Recorded Vote:

Council member Bowers	-	Aye	Nays - None
Council member Dilg	-	Aye	Abstain - None
Council member Grayson	-	Aye	
Council member Harter	-	Aye	
Absent – Council member Fravel			
Council member Hollis			

Council member Dilg moved to recommend to Circuit Court the appointment of Mary Strosnider to the Board of Zoning Appeals for a five year term to expire in 2015. The motion passed with the following recorded vote:

Recorded Vote:

Council member Bowers	-	Aye	Nays - None
Council member Dilg	-	Aye	Abstain - None
Council member Grayson	-	Aye	
Council member Harter	-	Aye	
Absent – Council member Fravel			
Council member Hollis			

Council member Harter moved to appoint Ron Bowers, George Vaught and Louis Boyer to four-year terms on the Parks & Recreation Committee to expire 6/30/2014. The motion passed with the following recorded vote:

Recorded Vote:

Council member Bowers	-	Aye	Nays - None
Council member Dilg	-	Aye	
Council member Grayson	-	Aye	
Council member Harter	-	Aye	
Abstain - None			
Absent – Council member Fravel			
Council member Hollis			

Council member Dilg moved to re-appointed Elizabeth Fravel to the Tree Commission, term to expire 11/30/2012. The motion passed with the following recorded vote:

Recorded Vote:

Council member Bowers	-	Aye	Nays - None
Council member Dilg	-	Aye	
Council member Grayson	-	Aye	
Council member Harter	-	Aye	
Abstain - None			
Absent – Council member Fravel			
Council member Hollis			

Council member Dilg moved to appoint Linden A. Fravel, Jr. as liaison to the Planning Commission from Town Council and Susan Boyd as liaison to the Historic Preservation Commission from the Planning Commission. The motion passed with the following recorded vote:

Recorded Vote:

Council member Bowers	-	Aye	Nays - None
Council member Dilg	-	Aye	
Council member Grayson	-	Aye	
Council member Harter	-	Aye	
Abstain - None			
Absent – Council member Fravel			
Council member Hollis			

#### **D. Appointments of Town Officers**

Mayor Shull stated that appointment of town officers was next on the agenda. She recommended that Brian Henshaw be appointed Assistant Town Manager. She stated that he was familiar with town ordinances and zoning and when Mr. Kehoe was away, he would be the logical person to answer questions on these issues.

Council member Bowers moved to appoint the following Town Officer: Michael Kehoe, Town Manager; David Griffin, Town Attorney; Charles Bockey, Town Sergeant (Chief of Police); Tim

Stowe, Town Engineer; Kim Uttenweiler, Town Treasurer; Dianne MacMillan, Town Clerk and Brian Henshaw, Assistant Town Manager. The motion passed with the following recorded vote:

Recorded Vote:

Council member Bowers	-	Aye	Nays - None
Council member Dilg	-	Aye	Abstain - None
Council member Grayson	-	Aye	
Council member Harter	-	Aye	
Absent – Council member Fravel			
Council member Hollis			

**COMMITTEE REPORTS**

**A. Administrative Committee – Joseph Hollis, Chair**

No report.

**B. Finance Committee – Joseph Hollis, Chair**

Mr. Kehoe reported that all year end items had been addressed at the Special Town Council meeting on the 29<sup>th</sup> of June.

**C. Water/Sewer Committee – Joy Shull, Chair**

Mayor Shull reported that the Stephens City Fire Company currently was billed on two meters with very little usage on one meter. She said it was the recommendation of the Water/Sewer Committee that the total usage from both meters be combined into one bill which would result in a savings to the Fire Company. Council member Harter moved that the two bills from Stephens City Fire Company's meters be combined into one bill as recommended by the Water and Sewer Committee. The motion passed with the following recorded vote:

Recorded Vote:

Council member Bowers	-	Aye	Nays - None
Council member Dilg	-	Aye	
Council member Grayson	-	Aye	
Council member Harter	-	Aye	
Abstain - None			
Absent – Council member Fravel			
Council member Hollis			

**D. Personnel Committee – James Harter, Chair**

No meeting – no report.

**E. Parks and Recreation Commission – Ronald Bowers, Chair**

Nothing further to report.

**F. Public Safety Committee – Ronald Bowers, Chair**

No report.

## **PLANNER'S REPORT – Brian Henshaw**

Town Planner, Brian Henshaw called the Council's attention to the Planning Commission's recommendation that Town Council approve the re-written and updated Subdivision Ordinance. He said the Public Hearing on Council level will be held in August. He added that the Planning Commission had worked for a year and a half on the ordinance prior to sending it for Council to review.

Mr. Henshaw reported that the contractor had finally gotten the street striping project done and it did meet VDOT standards. He asked the members to take note of the plowable markers on the cross walks.

Mr. Henshaw advised that the Planning Commission was in the process of reviewing the Comprehensive Plan as required and he did not anticipate any major changes. He added further that it would be updated to formally include the Joint Land Use Plan and this would be elaborated on.

Mr. Kehoe asked Mr. Henshaw to explain why there were only three cross walks. Mr. Henshaw stated that the one at Green and Main was chosen because it was the first crossing coming into Town from the south. He said the other two were midblock crossings. He said it was preferable to address midblock crossing because they are located in the middle of free flowing traffic and it was a safety feature to heighten motorist's awareness of pedestrians. Mayor Shull said it would be nice if all the crosswalks were marked as clearly. Mr. Henshaw said that the Town may see this done in the future if funding became available.

Mayor Shull called the members' attention to the registration information for the annual VML Conference. She said she would be attending if possible and encouraged the others to advise the town office if they planned to attend.

## **TOWN MANAGERS REPORT**

1. Mr. Kehoe said that regarding cross walks on main street, it may be possible to use the balance of the T21 funds from the Mulberry Street project to add some crosswalks.
2. Mr. Kehoe reported that Lantz Construction started the renovation at the old school and were addressing structural issues first. He said the Town should be seeing new windows in the school by fall. He added that this should use up all the enhancement funds for the school project.
3. He also reported that he was obtaining quotes for repaving the town parking lot. He said the lot had probably not been treated since the Town Office was built in '79.
4. Mr. Kehoe reported that the Town crew had been busy mowing this spring but that was over. He said now they were painting at the town office and replacing older water meters. He reported that about 52% of the water meters in the Town were now radio-read. He said the real asset in having radio-read meter in addition to saving manpower was meters could be read through the snow after the blizzard. Estimating usage often causes problems.



5. He reminded all present that the Newtown Farmers Market was now operating on Thursday evening from 4 to 7 pm at the Newtown Commons.

### **COUNCIL COMMENTS/CALENDAR**

Mayor Shull asked for any comments or changes to the calendar. Council member Bowers said he would like a Public Safety Committee meeting on July 22<sup>th</sup> at 7:00 p.m. and a Parks and Recreation meeting on the 26<sup>th</sup> at 7:00 p.m.

Mayor Shull said they already knew changes were needed to the meeting times of the Water and Sewer Committee and the Public Works Committee. These meetings were moved to July 22 at 5:30 p.m. and 6 p.m. respectively. A Personnel Committee meeting was confirmed for July 12.

### **MOTION FOR CLOSED MEETING**

Date: July 7, 2010

Motion By: Council member Harter

I move that the Council of the Town of Stephens City enter Closed Session pursuant to Section 2.2-3711.A.7 of the Code of Virginia, 1950, As Amended, for the purpose of consultation with legal counsel pertaining to actual or pending litigation.

#### **VOTE:**

Aye – Council member Bowers  
Council member Dilg  
Council member Grayson  
Council member Harter

Nay - None  
Abstain - None

Absent – Council member Fravel  
Council member Hollis

ATTEST: \_\_\_\_\_  
Dianne L. MacMillan, CMC, Town Clerk

Council member Dilg moved to return to open session and the motion passed.

**CERTIFICATION OF CLOSED MEETING**  
**RESOLUTION**

Date: July 7, 2010

Motion By: Council member Harter

WHEREAS, the Council of the Town of Stephens City, Virginia has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712.D of the Code of Virginia requires a certification by this Council that such Closed Meeting was conducted in conformity with Virginia law,

NOW, THEREFORE, BE IT RESOLVED that the Council hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Council.

RECORDED ROLL CALL VOTE:

Aye – Mayor Shull

Council member Bowers

Council member Dilg

Council member Grayson

Council member Harter

Nay – None

Absent – Council member Fravel

Council member Hollis

Abstain – None

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Dianne L. MacMillan, CMC, Town Clerk

There was no action taken as a result of Closed Session.

There being no further business, Council member Harter moved to adjourn at 9:30 p.m. and the motion carried.

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Joy B Shull, Mayor

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Dianne L. MacMillan, CMC, Town Clerk